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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,425	06/25/2001	Stephane H. Maes	YOR9-1999-01	1143

22150 7590 09/27/2005  
F. CHAU & ASSOCIATES, LLC  
130 WOODBURY ROAD  
WOODBURY, NY 11797

EXAMINER
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SKED, MATTHEW J

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/806,425	MAES ET AL.	
	Examiner	Art Unit	
	Matthew J. Sked	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12, 14, 15, 18, 20, 21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 15, 18, 20, 21 and 24 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

By

## DETAILED ACTION

### *Response to Arguments*

1. The rejection to the abstract is withdrawn in view of the Applicant's arguments.
2. The objections to the claims are withdrawn in view of the amendments filed 7/22/05.
3. The indicated allowability of claims 12 is withdrawn in view of the newly discovered reference(s) to Jacobs et al. (U.S. Pat. 6,594,628). Rejections based on the newly cited reference(s) follow.
4. Claims 1-11, 13, 16, 17, 19, 22 and 23 are cancelled.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Tel (U.S. Pat. 5,943,648) in view of Jacobs et al. (U.S. Pat. 6,594,628).

As per claim 12, Tel teaches a system for providing automatic and coordinated sharing of conversational resources, comprising:

a client and server comprising a local set of conversational resources  
(transmitting subsystem has a TTS converter and the receiving subsystem has a speech generator, Fig. 2, element 120 and Fig. 3, element 116);

the client also comprising a dialog manager for managing a conversation and executing calls requesting a conversational service (control applications output raw text in response to a user's request and sends and applies it to a speech generator with supplemental settings, col. 3, lines 48-52, 60-65, col. 6, lines 49-53 and Fig. 2 and 3, elements 114); and

the dialog manager accessing the server to process the request (based upon the user's request the local device converts raw text to a parameter stream locally and transmits this stream to the remote device for synthesis, col. 3, line 60 to col. 4, line 6).

Tel does not teach determining, at the client, if a request for a conversational service can be performed using the local conversational resource and automatically accesses the server if the conversation service cannot be performed using the local conversational resources.

Jacobs teaches a distributed speech recognition system with both a local and remote speech recognizer that makes a decision if the inputted speech is a special voiced command and if so processes the speech locally on the client and if not the speech features are transmitted to perform recognition at the base station (col. 8, lines 46-56).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Tel to make a determination if a request for a conversational service can be performed using the local conversational resource and automatically accesses the server if the conversation service cannot be performed using the local conversational resources because, as taught by Jacobs, distributing the

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speech processing between the client and server would cut down on expensive communication channel access (col. 8, lines 28-45).

***Allowable Subject Matter***

7. Claims 14, 15, 18, 20, 21 and 24 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: Claims 15 and 21 recite the combination of receiving a request for a conversational resource by a first network device, making a determination if to process the requested conversational services one of locally, remotely or both locally and remotely, communicating with the second network device to use the conversational resources of the second network device if it is determined to process the request at least partially using the second network device, wherein the determining comprises determining whether the local conversational resources are available for processing the requested conversational service, if they are available executing the requested conversational service using the local conversational resources, determining if the results from the local processing are acceptable and if they are not, automatically accessing the second network device to remotely process the requested conversational service.

Tel teaches a method and program storage device for providing automatic and coordinated sharing of conversational resources between network devices, comprising the steps of: receiving a request for a conversational service by a first network device (outputs and performs TTS based on a user's information request, col. 3, lines 60-65);

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determining by the first network device to process the requested conversational service locally and remotely using both the local and remote conversational resources and automatically communicating with the at least second network device, if it is determined that the conversational service will be processed, at least in part, remotely using the conversational resources of the at least second network device (based upon the user's request the local device converts raw text to a parameter stream locally and transmits this stream to the remote device for synthesis, col. 3, line 60 to col. 4, line 6).

Jacobs teaches a distributed speech recognition system with both a local and remote speech recognizer that makes a decision if the inputted speech is a special voiced command and if so processes the speech locally on the client and if not the speech features are transmitted to perform recognition at the base station (col. 8, lines 46-56).

Neither Tel nor Jacobs teaches determining if the results from the local processing are acceptable and if they are not, automatically accessing the second network device to remotely process the requested conversational service. It would not have been obvious to one of ordinary skill in the art at the time of invention to modify the systems of Tel and Jacobs to arrive at the Applicant's invention.

9. Claims 14, 18, 20 and 24 are allowed because they further limit the subject matter to which they refer.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dragosh et al. (U.S. Pat. Pub. 2005/0131704A1), Kanevsky et al. (U.S. Pat. 6,615,171), Joost (U.S. Pat. 6,327,568) and Besling et al. (U.S. Pat. 6,363,348) teach alternative distributed speech systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



W. R. YOUNG  
PRIMARY EXAMINER

MS  
9/20/05